ZIMMERMANN, G. et al.
Serial No. 10/674,791

Atty Dkt: 4114-8
Art Unit: 2681

AMENDMENTS TO THE DRAWINGS:

Please add new Fig. 8 which is attached after the signatory page of this Amendment.

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REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Editorially amends the specification.
2. Adds new Fig. 8 to reflect the steps described, e.g., on page 14, line 1, and continuing to page 16, line 18, of the specification.
3. Amends the specification to include the step numbers (e.g., S-1 through S-5) of new Fig. 8.
4. Amend claims 1, 17-18, and 19.
5. Add new claims 21 - 22.
6. Respectfully traverse all prior art rejections.

B. PATENTABILITY OF THE CLAIMS

Claims 1, 3-5, 9, 17 and 19 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent 6,912,204 to Kossi et al. Claims 2 and 16 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 6,912,204 to Kossi et al in view of U.S. Patent 6,466,793 to Walstedt et al. Claim 6 stands rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 6,912,204 to Kossi et al in view of U.S. Patent 6,404,830 to Wiese et al. Claims 7-8 and 20 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 6,912,204 to Kossi et al in view of U.S. Patent Publication 2002/0160769 to Gray. Claims 10-13 and 18 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 6,912,204 to Kossi et al in view of U.S. Patent 6,052,605 to Meredith et al. All prior art rejections are respectfully traversed for at least the following reasons.

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Applicants respectfully disagree with the assessment of the office action that US 6,912,204 B2 to Kossi anticipates the subject matter of independent claims 1, 17 and 19. The basic reasons for Applicants' traversal are explained, at least in part, below.

1. Kossi does not anticipate the claimed continuous or quasi-continuous monitoring

According to step a) of claim 1, individual frequencies are continuously or quasi-continuously monitored and assessed. In connection with the independent claims, the term "quasi-continuously" indicates that the duration of a single measurement interval is long compared to the time interval between two subsequent measurement intervals (see page 3, line 34, to page 4, line 3 of the specification, and note that new dependent claims 21 and 22 expressly define quasi-continuously).

The continuous or quasi-continuous measurement strategy takes into consideration that regularly occurring radar signal interferences of a very short duration are to be detected (see page 2, lines 32 to 37 of the specification). As shown in Fig. 1, radar interferences are almost impossible to detect with conventional Dynamic Frequency Selection (DFS) techniques.

Kossi teaches the conventional DFS approach shown in Fig. 1 of the specification, i.e., an approach that is unsuitable for detecting radar interferences (see column 3, lines 1 to 15 and the DFS terminology in column 7, line 55 and 59).

Kossi does state (in column 9, lines 14 to 16) that all nodes "continuously analyze the status of their respective radio links". However, the term "continuously" has a different meaning for Kossi. As indicated in column 3, lines 19 to 21, Kossi's term "continuously" refers to continuous re-measurements at selected intervals. However, and in contrast to Applicants' independent claims, the time interval between two subsequent

measurement intervals is large compared to the duration of a measurement interval. This becomes apparent from column 3, lines 28 to 35 and from Fig. 3. There it is stated that the measurements are performed during time periods corresponding to control slots, whereas no measurements are performed during time periods corresponding to data transmissions. Since the control slots have a much shorter duration than data transmissions (see Fig. 3), it is evident that the measurements according to the Kossi approach are neither performed continuously nor quasi-continuously in the sense of Applicants' pending claims.

Accordingly, even if it is assumed *arguendo* that measurements are performed during each and every control slot (please note that no such teaching can be found in the Kossi document), the non-measurement periods still have a much longer duration than the measurement periods. It follows that the DFS technique taught by Kossi is neither intended nor suitable for detecting radar interferences. Therefore, Kossi does not anticipate the continuous or quasi-continuous monitoring approach specified in feature a) of claim 1.

2. The Kossi measurements are neither intended nor suited for detecting radar-like interference signals

A further difference between the claimed subject matter and the teachings of Kossi is the fact that according to step a) of claim 1, the frequencies are assessed with respect to a radar-indicative characteristic (and thus the presence) of radar-like interference signals. This feature implies certain assessment techniques suitable for recognizing radar-like interference signals. As mentioned earlier, typical characteristics of radar-like interference signals include a certain regularity that is due to rotating antennas as well as a short duration as a result of the small main lobe (see page 2, lines 34 to 36 of the specification).

On the other hand, Kossi teaches to assess the monitored frequencies in relation to communication quality in the form of a noise level or packet error rates (see column 3, lines 15 to 19). Obviously, it is impossible to derive the presence of radar interference solely based on noise measurements or measurements of packet error rates. Accordingly, the measurement techniques taught in the Kossi document are neither intended nor suited for detecting radar-like interference signals.

3. The Kossi does not teach or suggest a probability measure concerning radar-like interference signals

A still further difference results from the fact that according to step b) of claim 1, a probability measure for the occupation of a particular frequency by a radar-like interference signal is allocated. Kossi neither teaches nor suggests such probabilty.

C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

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Respectfully submitted,

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